

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

CONNECTICUT PARENTS UNION,

Plaintiff,

v.

DIANNA WENTZELL, in her official
capacity as Commissioner, Connecticut
State Department of Education;

ALLAN B. TAYLOR, in his official
capacity as Chairperson of the
Connecticut State Department of
Education's Board of Education;

NED LAMONT, in his official capacity as
Governor of Connecticut;

WILLIAM TONG, in his official capacity
as Connecticut Attorney General,

Defendants.

Civil Action No. _____

FEBRUARY 20, 2019

Jury Trial Demanded

**CIVIL RIGHTS COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiff Connecticut Parents Union brings this civil rights lawsuit for declaratory and injunctive relief to vindicate the rights of Connecticut school children to receive a quality education regardless of the color of their skin, and alleges as follows:

INTRODUCTION

1. Under Connecticut law, students are being turned away from the State's best schools simply because they have the wrong skin color. Connecticut law mandates that its world-class interdistrict magnet schools reserve at least 25% of its seats for white and Asian students. Conversely, it caps interdistrict magnet school

enrollment of Black and Hispanic students at 75%. This hard racial quota is an unconstitutional outgrowth of litigation involving Hartford schools. *See Sheff v. O'Neill*, 238 Conn. 1 (1996). *Sheff* is in fact limited to *Hartford*-area public schools and does not apply to schools outside of the Hartford area. *Id.* at 24. Accordingly, the 75% cap on Black and Hispanic enrollment—adopted through the settlement negotiations that followed *Sheff*—applies only to *Hartford* schools. The State bypassed this important distinction when it decided to expand the racial quota in 2017 to create uniform racial quotas for interdistrict magnet schools statewide.

2. The statewide racial quota has already wrought serious harm on these non-Hartford interdistrict magnet schools and their students. In New Haven, for example, an interdistrict magnet high school that enrolled 91% Black and Hispanic students was forced to shut its doors last spring under the threat of more than \$100,000 in penalties for failing to maintain the racial quota.¹ The racial quota pushes students into Connecticut's failing neighborhood schools and robs them of an opportunity to have a better life and brighter future.

3. Today, Connecticut Parents Union, an organization committed to advocating for the educational rights of children in Connecticut, challenges the statewide racial quota on the grounds that it violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. The Equal Protection Clause prohibits state-based discrimination on the basis of race unless such a law can

¹ Brian Zahn, *New Haven school board votes to close Creed High School, 2 alternative schools*, New Haven Register (May 15, 2018), <https://www.nhregister.com/news/article/New-Haven-school-board-votes-to-close-Creed-High-12914404.php> (last accessed Feb. 19, 2019.)

stand up to the strictest constitutional scrutiny. The Connecticut Parents brings this lawsuit to ensure that racial discrimination against the Black and Hispanic children of Connecticut is ended.

JURISDICTION AND VENUE

4. This action arises under the Fourteenth Amendment to the United States Constitution, 42 U.S.C. §§ 1981 & 1983. The Court has jurisdiction over these federal claims under 28 U.S.C. § 1331 (federal question) and § 1343(a) (redress for deprivation of civil rights). Declaratory relief is authorized by the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

5. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b), as Defendants are residents of this judicial district and the State of Connecticut. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events giving rise to the claim occurred or will occur in this judicial district.

PARTIES

Plaintiff

Connecticut Parents Union

6. The CONNECTICUT PARENTS UNION (CTPU) was established to ensure that “parents, guardians, and families are connected with the educational resources and support system necessary to protect their children’s educational rights thus ensuring that neither race, zip-code, nor socio-economic status is a predictor of a child’s success.” Founded by current president Gwendolyn Samuel in 2011, CTPU collaborates with parents, teachers, and educational advocates across Connecticut to

engage decision-makers to achieve educational reform. CTPU has hosted community events, information sessions, bus tours, and other events in order to educate the public about the statewide racial quota's harmful effects on Connecticut's interdistrict magnet schools and students. CTPU has led, and continues to lead, legislative-reform efforts to repeal the racial quota.

Defendants

Connecticut State Department of Education

7. DIANNA WENTZELL is the Commissioner² of the Connecticut State Department of Education (Department of Education or Department). Dr. Wentzell is sued in her official capacity. The Department of Education serves “as the administrative arm of the State Board of Education.” Conn. Gen. Stat. § 10-3a(a). The Department is “under the direction” of the Commissioner of Education, who “shall be the administrative officer of the department and shall administer, coordinate and supervise the activities of the department in accordance with the policies established by the board.” *Id.* The appointment of the Commissioner is recommended by the Board of Education to the Governor, for a term of four years to be coterminous with the term of the Governor. *Id.* The Commissioner of Education is responsible for, among other things, developing the “reduced-isolation setting standards for interdistrict magnet school programs” that are the subject of this litigation. *Id.* § 10-264l(a).

² Pursuant to Connecticut General Statute § 10-2(b), whenever “the term the secretary to the State Board of Education occurs or is referred to in the general statutes, it shall be deemed to mean or refer to the Commissioner of Education.”

Connecticut State Board of Education

8. ALLAN B. TAYLOR is Chair of Connecticut's State Board of Education and is sued in his official capacity. The Connecticut State Board of Education has "general supervision and control of the educational interests of the state." Conn. Gen. Stat. § 10-4(a). Among other things, the State Board "shall ensure that all interdistrict educational programs and activities receiving state funding are conducted in a manner that promotes a diverse learning environment[,]" and it "may establish reasonable enrollment priorities to encourage such programs and activities to have racially, ethnically and economically diverse student populations." *Id.* § 10-276b. In addition, the Board of Education is obligated to "organize the Department of Education into such bureaus, divisions and other units as may be necessary for the efficient conduct of the business of the department." *Id.* § 10-3a(b). The Board has "general supervision and control of the educational interests of the state," including elementary education. *Id.* § 10-4(a).

Connecticut State Officials

9. NED LAMONT is the Governor of Connecticut and is sued in his official capacity. As governor, he is vested with the "supreme executive power of the state." Conn. Gen. Stat. § 3-1. Among other things, the governor is responsible for appointing, with the advice and consent of the Connecticut General Assembly, the members of the State Board of Education, and the governor selects one Board member as chair. *Id.* §§ 10-1(b), 10-2(a). The Governor appoints the Commissioner of

Education, upon recommendation by the Board of Education, for a term of four years to be coterminous with the term of the Governor. *Id.* § 10-3(a).

10. WILLIAM TONG is Attorney General for the State of Connecticut and is sued in his official capacity. The Attorney General has “general supervision over all legal matters in which the state is an interested party.” Conn. Gen. Stat. § 3-125.

FACTUAL ALLEGATIONS

Legislative response to Sheff decision

11. The Connecticut Supreme Court ruled that the Connecticut Constitution required the State to provide the schoolchildren of Hartford and surrounding suburban public schools with a “substantially equal educational opportunity,” and that a significant component of that requirement was access to schools that were “not substantially impaired by racial and ethnic isolation.” *Sheff v. O’Neill*, 238 Conn. 1, 24 (1996). The *Sheff* settlement negotiations resulted in, among other things, a racial quota, which required interdistrict magnet schools in and around Hartford to cap Black and Hispanic student enrollment at 75%.

12. In response to the *Sheff* decision, the Connecticut Legislature approved Public Act 97-290, “An Act Enhancing Educational Choices and Opportunities,” requiring Connecticut school boards to reduce racial, ethnic, and economic isolation by various methods, including the creation of interdistrict magnet school programs.

Connecticut’s Race-Based Quota System

13. In 2017, the Connecticut Legislature enacted Public Act 17-172, which applied the *Sheff* racial quota to all interdistrict magnet schools throughout

Connecticut.³ Public Act 17-172 amended Conn. Gen. Stat. § 10-264l(a) and authorized the Commissioner to create “reduced-isolation” standards, under which all interdistrict magnet schools must maintain a minimum percentage of “reduced-isolation” students. The Act also authorized the Commissioner to define the term “reduced-isolation student.”

14. The decision to extend the racial quota to all magnet schools in the state was not required to comply with the *Sheff* decision.

15. On October 23, 2017, the Commissioner issued reduced-isolation standards. A true and correct copy of this regulation is included as Exhibit 1. The standards require interdistrict magnet schools throughout Connecticut to ensure that at least 25% of their enrollment is comprised of “reduced-isolation students.”⁴ The Commissioner defined a “reduced-isolation student” to be anyone who is “any combination other than Black/African American or Hispanic.” Under the Commissioner’s October 23, 2017 standards, “reduced-isolation” students—white and Asian students—must make up at least 25% of each interdistrict magnet school’s enrollment. This standard in effect creates a 75% cap on Black and Hispanic students at every interdistrict magnet school in Connecticut. Accordingly, under the statewide

³ See Connecticut General Assembly, Office of Legislative Research, State of Connecticut, <https://www.cga.ct.gov/2017/BA/2017HB-07201-R01-BA.htm> (last accessed Feb. 19, 2019).

⁴ Under the Commissioner’s standards, non-*Sheff* interdistrict magnet schools operating prior to July 1, 2005 have until the 2021–22 school year to comply with the racial quota requiring 25% minimum enrollment of white and Asian students, while non-*Sheff* interdistrict schools operating after July 1, 2005 were immediately subject to the racial quota requiring 25% minimum enrollment of white and Asian students. In addition, the Commissioner adopted the negotiated, court-ordered *Sheff* quota for Hartford-area schools, which required a 25% minimum enrollment of white and Asian students.

quota, Black and Hispanic students—and only Black and Hispanic students—are restricted from enrolling in Connecticut interdistrict magnet schools above a 75% “reduced isolation” enrollment cap.

16. In the mere two years it has been in place, the statewide quota has already hurt interdistrict magnet schools and their students. The fate of Dr. Cortlandt V.R. Creed Health & Sports Sciences High School, a former interdistrict magnet high school in New Haven, reveals the harmful impacts of the statewide quota on both individuals and communities of color. For failing to maintain the mandated 75% cap on Black and Hispanic student enrollment, Creed faced sanctions in excess of \$100,000. As a result, Creed was forced to shut down.

17. Named for Cortlandt Creed, the first Black graduate of Yale Medical School, Creed High School was by all accounts popular, successful, and academically challenging. But because it made the mistake of teaching “too many” Black and Hispanic students (who made up 91% of the school’s enrollment), Creed was forced to close its doors. As New Haven Board of Education Member Edward Joyner put it, “*Sheff* was supposed to be a remedy. Now, it’s become a penalty.”⁵

Injunctive Relief Allegations

18. Plaintiff incorporates and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint.

⁵ Brian Zahn, New Haven school board votes to close Creed High School, 2 alternative schools, New Haven Register (May 15, 2018), <https://www.nhregister.com/news/article/New-Haven-school-board-votes-to-close-Creed-High-12914404.php> (last accessed Feb. 19, 2019.)

19. Defendants are responsible for enforcing and/or implementing the 75% cap on Black and Hispanic students in Connecticut's interdistrict magnet schools.

20. The mission of Plaintiff CTPU is to advocate for equal educational opportunity for all children in Connecticut. Defendants' 75% cap on Black and Hispanic enrollment in Connecticut interdistrict magnet schools continues to prevent CTPU from fulfilling its mission to prevent children's skin color from determining their educational opportunities.

21. Under the statewide racial quota, Black and Hispanic students are denied admission to interdistrict magnet schools in favor of white and Asian students.

22. This overt discrimination stands in direct opposition to the ability of CTPU to successfully perform its mission, as it compels CTPU to expend a significant amount of time and resources opposing the unconstitutional cap on Black and Hispanic students, at the expense of advancing and promoting other education reforms.

23. Because of the racial quota, Plaintiff is now and will continue to suffer specific and redressible injury.

24. If not enjoined by this Court, Defendants and their agents, representatives, and employees will continue to discriminate against children on the basis of race, in contravention of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

25. Pecuniary compensation to Plaintiff or other victims of such continuing discrimination would not afford adequate relief.

26. Injunctive relief is necessary to prevent a multiplicity of judicial proceedings on these same or similar issues.

27. Accordingly, permanent injunctive relief is appropriate and proper.

Declaratory Relief Allegations

28. Plaintiff incorporates and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint.

29. An actual and substantial controversy currently exists between Plaintiff CTPU and Defendants as to their respective legal rights and duties.

30. Plaintiff contends that Defendants are discriminating on the basis of race in violation of the Fourteenth Amendment to the United States Constitution. Defendants dispute that their actions are unconstitutional.

31. There exists a present justiciable controversy between the parties concerning the constitutionality and legality of the 75% cap on Black and Hispanic students who may attend Connecticut's interdistrict magnet schools.

32. Plaintiff will be directly, adversely, and irreparably harmed by Defendants' actions in enforcing and implementing the racial quota, and by Defendants' continuing administration, implementation, reliance, and enforcement of them now and in the future.

33. A judicial determination of rights and responsibilities arising from this actual controversy is necessary and appropriate at this time.

CLAIM FOR RELIEF

**The 75% Minority Cap Violates the Equal Protection Clause
of the Fourteenth Amendment**

34. Plaintiff incorporates and re-alleges each and every allegation contained in the preceding paragraphs of this Complaint.

35. Defendants acted and continue to act under color of state law in developing, implementing, and administering the 75% cap on Black and Hispanic students who may attend Connecticut interdistrict magnet schools.

36. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution requires that, “[n]o State shall . . . deny to any person within its jurisdiction the equal protection of the laws.” U.S. CONST. amend. XIV, § 1. All governmental action based on race must be subjected to strict judicial scrutiny to ensure that no person is denied equal protection of the laws.

37. Defendants’ 75% cap on Black and Hispanic enrollment in Connecticut interdistrict magnet schools specifically injures Plaintiff CTPU, because it disrupts its express mission to advocate on behalf of equal educational opportunity for all children in Connecticut.

38. Under the racial quota, Black and Hispanic students are denied admission to interdistrict magnet schools in favor of white students. This overt discrimination stands in direct opposition to the ability of CTPU to successfully perform its mission, as it compels CTPU to expend time and resources fighting this unconstitutional policy, at the expense of advancing and promoting educational reforms.

39. The Defendants' actions in enforcing and administering the 75% cap on Black and Hispanic enrollment are not narrowly tailored to achieve a compelling state interest.

40. Limiting Black and Hispanic children from attending Connecticut's elite interdistrict magnet schools serves no compelling state interest.

41. Defendants' cap on Black and Hispanic student enrollment is not required to remedy past, intentional, *de jure* discrimination.

42. Defendants' cap on Black and Hispanic student enrollment is not required to secure the educational benefits that flow from racial diversity in higher education.

43. Defendants' statewide cap on Black and Hispanic enrollment is not required as a result of the Connecticut Supreme Court decision in *Sheff v. O'Neill*, 238 Conn. 1 (1996).

44. Defendants' cap on Black and Hispanic enrollment does not serve a compelling state interest, because Defendants have not first determined that race-based measures are necessary to achieve a compelling governmental interest.

45. The Defendants' actions in enforcing and administering the cap on Black and Hispanic student enrollment at the State's interdistrict magnet schools are not narrowly tailored to a compelling state interest, because Defendants cannot prove that a non-racial approach would fail to promote the government objective as well, at a tolerable administrative expense.

46. The Defendants' actions in enforcing and administering the 75% cap on Black and Hispanic enrollment at interdistrict magnet schools are not narrowly tailored to a compelling state interest, because Defendants failed to exhaust race-neutral alternatives before resorting to race-based classifications.

* * *

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests the following relief:

1. A declaratory judgment, pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, from the Court, that the 75% cap on Black and Hispanic student-enrollment in Connecticut's interdistrict magnet schools, which significantly restricts the number of Black and Hispanic children who may attend interdistrict magnet schools within the State, enforced and administered by the Defendants, is unconstitutional, illegal, invalid, and unenforceable, because it discriminates on the basis of race and denies individuals equal protection of the laws in violation of the Fourteenth Amendment to the United States Constitution and federal civil rights statutes 42 U.S.C. §§ 1981 and 1983;

2. A permanent prohibitory injunction enjoining Defendants, their agents, employees, officers, and representatives from adopting, enforcing, attempting, or threatening to enforce the 75% cap on Black and Hispanic students who may attend interdistrict magnet schools in the State of Connecticut, insofar as it discriminates on the basis of race and denies individuals equal protection of the laws in violation of

the Fourteenth Amendment to the United States Constitution and federal civil rights statutes 42 U.S.C. §§ 1981 and 1983;

3. A permanent injunction prohibiting Defendants from using race in future interdistrict magnet school enrollment decisions;

4. Attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and any other applicable legal authority; and

5. All other relief this Court finds just and proper.

* * *

JURY DEMAND

Plaintiff demands a jury trial on all issues so triable.

* * *

DATED: February 20, 2019.

Respectfully submitted,

/s/ Scott Sawyer

SCOTT SAWYER, Conn. Bar. No. 411919

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Counsel for Plaintiffs

*Motions for *Pro Hac Vice* Admission to be filed



STATE OF CONNECTICUT
DEPARTMENT OF EDUCATION



TO: Interdistrict Magnet School Operators

FROM: Glen Peterson, Division Director, Choice Programs
Office of Student Supports and Organizational Effectiveness

DATE: October 23, 2017

SUBJECT: Public Act 17-172 - An Act Concerning the Establishment of Reduced-Isolation Setting (RIS) Standards for Interdistrict Magnet School Programs

During the 2017 legislative session, the General Assembly adopted revised enrollment standards for interdistrict magnet schools to unify state standards in accordance with the articulated purpose of magnet programming. Pursuant to Public Act (PA) 17-172, the revised standards apply for the 2017-18 and 2018-19 school years and under Section 10-264l of the Connecticut General Statutes, require interdistrict magnet schools to satisfy specific enrollment requirements to remain eligible for a magnet school operating grant. The revised standards have two components: (a) a residency standard requiring interdistrict magnet schools to limit student enrollment from any single district to no more than 75 percent of the total enrollment of the program (the Residency Standard); and (b) reduced-isolation standards requiring interdistrict magnet schools to meet enrollment standards for a reduced-isolation setting (RIS) promulgated by the Commissioner of Education. Per existing practice, compliance with the Residency Standard and the RIS Standards is based on student information data submitted to the statewide public school information system on or before October 1 of each school year (SY).

For your information, PA 17-172 is attached to this memorandum. As an aid to the attachment, please find below a summary of the enrollment requirements for interdistrict magnet schools across Connecticut for 2017-18 and 2018-19.

Residency Standard

PA 17-172 adopts a uniform Residency Standard for all interdistrict magnet schools. Under the revised standard, student enrollment from a single participating district may not exceed 75 percent of total school enrollment.

Reduced Isolation (RI) Student

PA 17-172 requires the RIS Standards promulgated by the Commissioner to define the term “reduced-isolation” student (RI student).

Accordingly, for purposes of these standards, an RI student:

- Is Native American, Asian, Alaska Native, Native Hawaiian, Other Pacific Islander, White and/or Two or More Races (any combination other than Black/African American or Hispanic).
- Is Not Black/African American, Hispanic and/or Two or More Races (any combination of Black/African American or Hispanic).

Reduced-Isolation Setting (RIS) Standards

In addition to the Residency Standard, interdistrict magnet schools must meet the RIS Standards promulgated by the Commissioner as follows:

A. Non-Sheff Interdistrict Magnet Schools

Pursuant to PA 17-172, all non-Sheff interdistrict magnet schools share the same RIS Standards. The Commissioner's standards give non-Sheff magnet schools that began operations prior to July 1, 2005, five years to comply with the revised standard since schools in this category are subject to a racial/ethnic enrollment standard for the first time.

a. Non-Sheff Interdistrict Magnet Schools Commencing Operations *Prior* to July 1, 2005

Non-Sheff interdistrict magnet schools that began operations before July 1, 2005, have five years (by the 2021-22 school year) to meet the RIS Standards promulgated by the Commissioner as follows:

- By the 2021-22 school year, the percentage of RI students enrolled in the interdistrict magnet school must equal at least 25 percent of the total school enrollment. If the percentage of RI students is less than 25 percent of the total school enrollment, an interdistrict magnet school still meets the RIS Standards if, by the 2021-22 school year, the percentage of RI students enrolled at the school is at least 20 percent of total school enrollment and the school is operating pursuant to a compliance plan (CP) approved by the Commissioner by December 1 of the applicable SY. The CP must be designed to bring the percentage of RI students enrolled at the school to the 25 percent RIS Standards.
- Prior to the 2021-22 school year, an interdistrict magnet school where RI students do not make up at least 20 percent of enrollment must operate pursuant to a CP approved by the Commissioner by December 1 of the SY to remain eligible for the magnet operating grant. The CP must be designed to bring the percentage of RI students enrolled at the school to the 25 percent RIS Standards by SY 2021-22.

b. Non-Sheff Interdistrict Magnet Schools Commencing Operations *After* July 1, 2005

Non-Sheff interdistrict magnet schools that began operations after July 1, 2005, must meet the RIS Standards promulgated by the Commissioner as follows:

- If the percentage of RI students enrolled at the school equals at least 25 percent of the total school enrollment, an interdistrict magnet school meets RIS Standards. If the percentage of RI students is at least 20 percent of total school enrollment, and the school is operating pursuant to a CP approved by the Commissioner by December 1 of the applicable SY, a magnet school enrolling less than 25 percent RI students still provides a RIS. The CP must be designed to bring the percentage of RI students enrolled at the school to the 25 percent RIS Standards.

c. One Percent Variance Allowance from Residency or RIS Standard for Non-Sheff Schools

To provide some flexibility for enrollment shifts, PA 17-172 and the Commissioner's standards consider a non-Sheff magnet school compliant with the enrollment standards if it is within 1 percent of the applicable Residency Standard or RIS Standards and the school is operating under an approved CP by December 1 of the applicable SY to bring enrollment into compliance with the 75 percent Residency Standard and/or 25 percent RIS Standards, as applicable.

B. Sheff Interdistrict Magnet Schools

On June 16, 2017, and on August 7, 2017, by written Memorandum of Decision, the court set the RIS Standards for Sheff magnet schools at 25 percent. Under the court's order, if the percentage of RI students enrolled at the school equals at least 25 percent of total school enrollment, a Sheff magnet school meets the RIS Standards. If the court issues a new order or if any provision of the Commissioner's standards conflicts with a court order, the court order controls.

While the RIS Standards are currently set by the court, there are other provisions in the Commissioner's standards that are important for operators to note, including the following:

- **Maximizing Hartford Enrollment:** Within available appropriations, the Regional School Choice Office ("RSCO") may direct a Sheff magnet school to maximize Hartford-resident enrollment within the standards set by the Commissioner and/or the court.
- **Lottery Protocols:** RSCO may direct magnet operators to develop and implement specific lottery protocols for purposes of meeting the standards set by the Commissioner and/or the court and maximizing Hartford-resident enrollment within those standards, subject to order of the court.
- **One percent Variance Allowance from RIS Standards for Sheff Schools:** For up to three (3) Sheff magnets in any single SY, a school that does not meet the minimum 25 percent RIS Standards shall be deemed to provide a RIS if it does not deviate by more than 1 percent from the 25 percent RIS Standards and operates under an approved CP to bring the percentage enrollment of RI students to the 25 percent RIS Standards. The CP will be revised jointly by the state and magnet operator with an opportunity for comments by the plaintiffs' representative.

C. All Interdistrict Magnet Schools

a. Waiver -75 percent Residency and/or Applicable RIS Standard(s) Not Met

If an interdistrict magnet school does not meet the 75 percent Residency Standard, and/or the applicable RIS Standards promulgated by the Commissioner, the Commissioner may award a magnet operating grant to the magnet school for an additional year or years if the Commissioner determines that it is appropriate to continue the grant (a) for purposes of increasing access to reduced-isolation educational opportunities or (b) because the school has other indices of diversity, such as racial, geographic, socioeconomic, percentage of special education students and EL students, achievement and other factors. If the Commissioner determines that such circumstances exist to continue the magnet grant, the school must be operating pursuant to an approved CP by December 1 of the applicable school year.

b. Commissioner Action

The Commissioner may impose a financial penalty on the operator (up to the magnet grant amount) of an interdistrict magnet school that does not meet the RIS for two consecutive years, or take other measures, in consultation with such operator, to assist the operator in complying with the applicable standard.

c. Data Verification

In its discretion, the Connecticut State Department of Education (CSDE) may audit school data and records pertaining to student race and ethnicity to verify the accuracy of the data.

The Bureau of Choice Programs will be holding a conference call on Friday, October 27, at 9:30 a.m. and Monday, October 30, at 3:30 p.m. to discuss and answer any questions regarding the implementation of the new RIS Standards. To confirm the date and time of your participation, please contact Irma Francis at 860-713-6778 or Irma.francis@ct.gov. Once this information is provided, a confirmation e-mail will be sent to you, along with the conference call dial-in number and participant code.

If you have questions concerning the RIS Standards, contact Regina Hopkins at 860-713-6549 or regina.hopkins@ct.gov or Shola Freeman at 860-713-6532 or shola.freeman@ct.gov.

Thank you for your cooperation and continuing partnership.

GP:sff

cc: Dr. Dianna R. Wentzell, Commissioner of Education
Charlene Russell-Tucker, Chief Operating Officer, CSDE
Peter Haberlandt, Director, Legal and Governmental Affairs, CSDE
Robin Cecere, Staff Attorney, Legal and Governmental Affairs, CSDE
Shola Freeman, Education Consultant, Choice Programs, CSDE
Dr. Regina Hopkins, Education Consultant, Choice Programs, CSDE
Dr. Yemi Onibokun, Education Consultant, Sheff/RSCO, CSDE

Attachment

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

CONNECTICUT PARENTS UNION

(b) County of Residence of First Listed Plaintiff New Haven County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

SCOTT SAWYER, Sawyer Law Firm, The Jill S. Sawyer Building,
251 Williams Street, New London, CT 06320, Telephone: 860-442-8131

DEFENDANTS

see attachment

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 U.S.C. §§ 1981 and 1983

Brief description of cause:

Unlawful discrimination on the basis of race.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$
0.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Stephan R. UnderhillDOCKET NUMBER 3:18-cv-00274-SRU

DATE

02/20/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/ Scott Sawyer

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
 United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
 United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
 Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
 Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
 Original Proceedings. (1) Cases which originate in the United States district courts.
 Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
 Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
 Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
 Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
 Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
 Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
 Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
 Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

CIVIL COVER SHEET attachment

DEFENDANTS:

DIANNA WENTZELL, in her official capacity as Commissioner, Connecticut State Department of Education; ALLAN B. TAYLOR, in his official capacity as Chairperson of the Connecticut State Department of Education's Board of Education; NED LAMONT, in his official capacity as Governor of Connecticut; WILLIAM TONG, in his official capacity as Connecticut Attorney General